

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0568	Case Officer:	Hamish Evans
Application Type:	Prior Notification - Telecommunication		
Proposal:	The installation of an 8.1m pole supporting four antennas, with one equipment cabinet on steel mesh grillage with a handrail and screw pile foundations.		
Site:	Network Rail, London To Brighton Railway - Copyhold Junction To Haywards Heath Station, Clair Road, Haywards Heath, West Sussex, , ,		
Validation Date	4 Mar 2026	Overall Expiry Date:	14 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	21 May 2026
Target Date:	29 Apr 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	22 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0568

Network Rail, London To Brighton Railway - Copyhold Junction To Haywards Heath Station, Clair Road, Haywards Heath, West Sussex, ,

The installation of an 8.1m pole supporting four antennas, with one equipment cabinet on steel mesh grillage with a handrail and screw pile foundations.

Joe Hopkins

SUMMARY OF REPRESENTATIONS

Five third-party letters of representation have been received in respect of this application. They object to the proposal due to the below reasons:

- Insufficient ICNIRP certificate,
- Impact on health,
- Impact on those with medical and metallic implants,
- Impact on Ancient Woodland,
- Impact on wildlife and biodiversity,
- Impact on trees,
- Impact on character of area,
- Impact from radiation,
- Impact on Council's ability to insure against potential harm,
- Requests Council to require evidence of insurance from applicant relating to specific health impacts,
- No EIA or BNG submitted with application, and
- Impact on sustainability.

SUMMARY OF CONSULTEES

MSDC Tree Officer

No objection.

MSDC Ecology

No objection, subject to a condition.

PARISH COUNCIL OBSERVATIONS

Ansty Parish Council

Object, due to intrusion into countryside, unnecessary, impact on health and metal implants and overdevelopment due to its size.

INTRODUCTION

This prior notification application is submitted on behalf of Cellnex, which is a mobile infrastructure services company. The application seeks a determination under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of the installation of a 8.1 metre pole supporting four antennas, with one equipment cabinet on steel mesh grillage with a handrail and screw pile foundations at land to the east of London to Brighton Railway, Copyhold Junction to Haywards Heath Station Clair Road Haywards Heath.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND ITS SURROUNDINGS

The site is located within the countryside and within the 15 metre buffer zone of Ancient Woodland. The proposal will be installed on operational Network Rail land within an enclosed section of the railway line to the east of the railway. Ancient Woodland is located to the east and south of the site.

APPLICATION DETAILS

The proposal is for the installation of an 8.1 metre monopole supporting four antennas, with one equipment cabinet on steel mesh grillage with a handrail and screw pile foundations at land to the east of London to Brighton Railway, Copyhold Junction to Haywards Heath Station Clair Road Haywards Heath.

The proposal includes an 8.1 metre high monopole mast, four antennas attached to the mast, an equipment cabinet measuring some, 2.0 metres in height, 1.1 metres in width and 0.5 metres in depth, steel mesh grillage with a handrail and screw pile foundations. The proposed monopole will be characterised by grey ungalvanised steel, the antennas are to be characterised by grey aluminium and the equipment cabinet, handrail and grillage are to be a mixture of grey aluminium and steel.

The application seeks a determination under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of the proposed monopole and associated works.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Mid Sussex Site Allocations DPD and the Ansty, Staplefield and Brook Street Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

The PPG explains that *'Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.'*

In the case of telecommunications development, the Town and Country Planning (General Permitted Development) Order 2015 states that before beginning development that is classified as permitted development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Protection and Enhancement of Countryside

DP23 - Communication Infrastructure

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Ansty, Staplefield and Brook Street Neighbourhood Plan (adopted February 2017)

There are no relevant policies.

Other Material Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Mid Sussex District Plan 2021-2039 Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

A list of relevant policies can be found here:

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN4: Trees, Woodland and Hedgerows

DPC1: Protection and Enhancement of the Countryside

DPB1: Character and Design

DPI4: Communications Infrastructure

National Planning Policy Framework (NPPF) (December 2024)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

ASSESSMENT

This prior approval application needs to be considered against Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The development complies with the technical requirements, subject to the prior approval process where the LPA must consider as to whether the prior approval of the authority will be required for the siting and appearance of the development. To assist in that regard, the development should be considered against the development plan policies.

Policy DP23 of the District Plan relates to communication infrastructure and in part states that:

'When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;'

Paragraphs 122 and 123 of the NPPF state:

'122. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

123. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'

Policy DP12 of the Mid Sussex District Plan states in part that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

o it is necessary for the purposes of agriculture; or

o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

The proposed monopole and ancillary equipment would be located a relatively significant distance from the built up area of Haywards Heath with is some 160 metres to the south of the site. Given the height of

the proposal, the surrounding woodland and the distance the site is from the public realm there would be limited views of it from the surrounding area. The application site is located on Network Rail land and adjacent to the existing railway. There is similar development along the railway line which be of a similar appearance and scale to the proposal.

Taking into account the above the proposal is considered to minimise the impact on the visual amenity, character and appearance of the surrounding area, and its siting and appearance is considered acceptable. It is also considered to maintain the quality of the rural and landscape character of the District and be supported by policy DP23 of the Mid Sussex District Plan. As such the proposal is considered to comply with the above parts of policies DP12 and DP23 of the Mid Sussex District Plan.

The Parish Council comments and third-party comments have raised objection to the proposal due to impact on the countryside and overdevelopment of the site. However, given the above assessment the proposal is considered to be acceptable in these regards.

The Parish Council comments and third-party comments have been received which object to the proposal due to its impact on wildlife, biodiversity and character of area. No conclusive evidence has been provided to show that the proposed development would have an impact on the wildlife or biodiversity within the surrounding area. Taking into account the above assessment the proposed location is considered to be acceptable in respect of character of the area, wildlife and biodiversity.

Other Matters

Several objection letters and the Parish Council comments have been received in respect of the application and whilst a number of the issues raised have been addressed above, it is considered important to address the remaining issues. It should be noted that due to the type of application the only issues that can be taken into consideration in the determination of the application are the siting and appearance of the development.

Firstly, comments have been received which raise objection to the proposal in part due to the potential health risks to residents and whilst these concerns are noted, paragraph 122 of the NPPF requires these types of development be accompanied by a statement that self-certifies that, when operational, International Commission guidelines will be met. Paragraph 123 (NPPF) states that LPAs should not seek to set health safeguards different from the International Commission guidelines for public exposure. A Declaration of Conformity Public RF Exposure Guidelines formerly known as an ICNIRP (health) compliance certificate, is included with the application ensuring compliance with paragraph 122 of the NPPF. The information that has been received in relation to the health impacts of the proposal is noted however this information is not considered to represent conclusive evidence that the proposal would have adverse effects on health, including to pacemakers and similar devices. As such the proposal is considered to be acceptable in this regard. It is not considered a material planning consideration whether the applicant or the Council have insurance in relation to the proposed development.

The proposal is located within the 15-metre buffer zone of Ancient Woodland which is located to the south and east of the site. It has been confirmed that proposal would be constructed by screw pile foundations, the application site does not contain any trees and the proposed development would be sited on existing hardstanding, pebbled Network Rail land immediately adjacent to the railway. The Council's Tree Officer and Ecologist have raised no objection to the proposal.

Due to the nature of the application, it is not subject to BNG requirements and the application is not of a scale or within an area that would require the submission of an Environmental Impact Assessment.

The nature of the application requires the LPA assess the siting and appearance of the proposal as such its impact on sustainability and climate change is not considered to be relevant.

CONCLUSION

It is considered that there are clear benefits from the proposal in relation to improved telecommunications infrastructure within the District. These are matters that weigh in favour of the application when considered the siting and design of the proposal. It is noted that the proposal will have

an impact on the character of the area however it is considered that due to its location it would maintain the quality of the rural and landscape character of the District and be supported by policy DP23 of the Mid Sussex District Plan. It is further considered that the site's selection and equipment specification have been sufficiently justified through the application documentation. Taking into account the above assessment, the proposal is considered to comply with the above parts of policies DP12 and DP23 of the Mid Sussex District Plan, the Ansty, Staplefield and Brook Street Neighbourhood Plan and the relevant provisions of the NPPF. Prior approval of the appearance and siting of the development can therefore be granted in accordance with Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Decision: Prior Approval is Granted

Case Officer: Hamish Evans